

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

SKINVISIBLE PHARMACEUTICALS, INC.

Case No. 2:11-cv-01591-MMD-CWH

Plaintiff,

ORDER

v.

SUNLESS BEAUTY, LTD., et al.,

Defendant.

The Court entered default judgment in favor of Plaintiff Skinvisible Pharmaceuticals, Inc. on February 21, 2013. (Dkt. no. 79.) Plaintiff's Motion to Prove Up Damages in Default Judgment (dkt. no. 80) is now before the Court. Plaintiff claims damages in the amount of \$97,115.77, including \$51,346.77 in attorneys' fees and costs.¹ The Court observed that Plaintiff failed to provide any legal authority to support its request for fees and authorized Plaintiff to supplement its Motion to provide legal support within seven (7) days. (Dkt. no. 83.) Plaintiff has failed to file any supplemental authority within the deadline established by the Court. Accordingly, the Court finds that the Licensing Agreement, which serves as the basis for Plaintiff's claims, does not contain a prevailing fee provision and Plaintiff has failed to provide any legal support for

¹It is not clear from the records whether some of the items identified as costs in Plaintiff's counsel's billing statements (Exhibit 2 to the Motion) are already covered in the Bill of Costs which has been taxed. (Dkt. no. 82.)

1 its request for an award of attorneys' fees. Plaintiff's request for attorneys' fees as part
2 of its damages is therefore denied. Plaintiff has proved up its other damage requests
3 consisting of \$25,000.00 as the price that Defendant Angie Trelstad received for
4 Plaintiff's assets and \$20,769.00 in potential royalty.

5 It is therefore ordered that Plaintiff's Motion to Prove Up Damages in Default
6 Judgment (dkt. no. 80) is granted in part and denied in part. Plaintiff's request for
7 \$45,769.00 in damages is granted. Plaintiff's request for attorneys' fees and costs in the
8 amount of \$51,346.77 is denied. The Clerk is directed to enter judgment consistent with
9 this order. The Clerk is further directed to close this case.

10 DATED THIS 18th day of November 2013.

11
12 

13 MIRANDA M. DU
14 UNITED STATES DISTRICT JUDGE
15
16
17
18
19
20
21
22
23
24
25
26
27
28